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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,108	08/15/2001	Nobuo Haino	041465-5116	8426
9629	7590	01/19/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			CHOWDHURY, NIGAR	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,108	HAINO ET AL.	
	Examiner	Art Unit	
	Nigar Chowdhury	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/13/01, 06/19/2002, 9/10/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claims 1, 7, 12, applicant said "reservation control information area" but applicant didn't describe in the specification about reservation area.

Claims 2-6, 8-11, 13-16 are depend on the rejected claims 1, 7, 12 and therefore, inherit the deficiency thereof.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2616

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "said objection information" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-21 are rejected under 35 U.S.C. 101 because claims are directed to a computer data signal embodied in a carrier wave (air).

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). See MPEP 2106.IV.B.1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 5, 7, 8, 11-13, 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6501727 by Mitsuyuki Nozaki.

Nozaki teaches a recording apparatus (Fig. 1, Col. 4 line 1-5) for recording object information (See Col. 6 line 36, 37) and reproduction control information (Col. 6 line 45, 46) for controlling a reproduction mode of the information after recording in a recordable recording medium (Col. 1 line 56) in conformity to a recording format for a recording medium for reproduction only (Col. 6 line 2) that include all the limitation recites in claim 1.

- A securing device ((see Fig. 1 (102, 103, 104), Col. 4 line 53-63) for securing the reservation of a reservation control information area (Col. 1 line 62-64) as an area on recordable recording medium corresponding to a defined area so as to record reproduction control information (Fig. 2E (1021), Col. 6 line 45, 46) in recording format on the recordable recording medium before recording information in recordable recording medium (See Col. 9 line 58-62)).

- A first recording device ((See Fig. 1 (102), Col. 4 line 7-14) for recording object information in a recording area (Col. 6 line 36, 37) as an area on recordable recording medium (Fig. 1 (101), Col. 1 line 56) following the secured reservation control information area (Col. 9 line 58-62) and corresponding to a defined area so as to record object information in recording format)
- A second recording device ((Fig. 1 (102), Col. 4 line 7-14) for recording reproduction control information (Fig. 2E (1021), Col. 6 line 45, 46) in the secured reservation control information area (Col. 1 line 62-64), after first recording device records object information in said recording area (Col. 10 line 40-44))

In claim 2, applicant introduces a recording apparatus to the combination of claim 1. First recording device and second recording device record managing information for indicating positions of reservation control information area and recording area on recordable recording medium in recordable recording medium (See Col. 4 line 56-63).

Claim 5 introduces a backup reproduction control information which is same as reproduction control information to the combination of claim 1. First recording device records backup reproduction control information as the backup information same as reproduction control information (Col. 6 line 45, 46) on recordable recording medium in succession to recording objection information in recording area (Col. 4 line 60-63).

Art Unit: 2616

Nozaki shows that recording information could be any necessary pieces of management information in a management area.

Nozaki teaches a recording method (Fig. 1, Col. 4 line 1-5) for recording object information (See Col. 6 line 36, 37) and reproduction control information (Col. 6 line 45, 46) for controlling a reproduction mode of the information after recording in a recordable recording medium (Col. 1 line 56) in conformity to a recording format for a recording medium for reproduction only (Col. 6 line 2) that include all the limitation recites in claim 7.

- A securing process ((see Fig. 1 (102, 103, 104), Col. 4 line 53-63) for securing the reservation of a reservation control information area (Col. 1 line 62-64) as an area on recordable recording medium corresponding to a defined area so as to record reproduction control information (Fig. 2E (1021), Col. 6 line 45, 46) in recording format on the recordable recording medium before recording information in recordable recording medium (See Col. 9 line 58-62)).
- A first recording process ((See Fig. 1 (102), Col. 4 line 7-14) for recording object information in a recording area (Col. 6 line 36, 37) as an area on recordable recording medium (Fig. 1 (101), Col. 1 line 56) following the secured reservation control information area (Col. 9 line 58-62) and corresponding to a defined area so as to record object information in recording format)

- A second recording process ((Fig. 1 (102), Col. 4 line 7-14) for recording reproduction control information (Fig. 2E (1021), Col. 6 line 45, 46) in the secured reservation control information area (Col. 1 line 62-64), after first recording device records object information in said recording area (Col. 10 line 40-44))

In claim 8, applicant introduces a recording method to the combination of claim 7. First recording device and second recording process record managing information for indicating positions of reservation control information area and recording area on recordable recording medium in recordable recording medium (See Col. 4 line 56-63).

Claim 11 introduces a backup reproduction control information which is same as reproduction control information to the combination of claim 7. First recording process records backup reproduction control information as the backup information same as reproduction control information (Col. 6 line 45, 46) on recordable recording medium in succession to recording object information in recording area (Col. 4 line 60-63). Nozaki shows that recording information could be any necessary pieces of management information in a management area.

Nozaki teaches a information recording medium (Fig. 1, Col. 4 line 1-5) in which a recording control program is recorded capable of being read by a recording computer (Col. 1 line 41-43), for functioning said recording computer included in an information

Art Unit: 2616

recording apparatus for recording object information and reproduction control information for controlling a reproduction mode of the information after recording in a recordable recording medium in conformity to a recording format for a recording medium for reproduction only, the program causing the recording computer to function that include all the limitation recites in claim 12.

- A securing device ((see Fig. 1 (102, 103, 104), Col. 4 line 53-63) for securing the reservation of a reservation control information area (Col. 1 line 62-64) as an area on recordable recording medium corresponding to a defined area so as to record reproduction control information (Fig. 2E (1021), Col. 6 line 45, 46) in recording format on the recordable recording medium before recording information in recordable recording medium (See Col. 9 line 58-62)).
- A first recording device ((See Fig. 1 (102), Col. 4 line 7-14) for recording object information in a recording area (Col. 6 line 36, 37) as an area on recordable recording medium (Fig. 1 (101), Col. 1 line 56) following the secured reservation control information area (Col. 9 line 58-62) and corresponding to a defined area so as to record object information in recording format)
- A second recording device ((Fig. 1 (102), Col. 4 line 7-14) for recording reproduction control information (Fig. 2E (1021), Col. 6 line 45, 46) in the secured reservation control information area (Col. 1 line 62-64), after first

recording device records object information in said recording area (Col. 10 line 40-44))

In claim 13, applicant introduces a recording medium to the combination of claim 12. First recording device and second recording device record managing information for indicating positions of reservation control information area and recording area on recordable recording medium in recordable recording medium (See Col. 4 line 56-63).

Claim 16 introduces a backup reproduction control information which is same as reproduction control information to the combination of claim 12. First recording device records backup reproduction control information as the backup information same as reproduction control information (Col. 6 line 45, 46) on recordable recording medium in succession to recording object information in recording area (Col. 4 line 60-63). Nozaki shows that recording information could be any necessary pieces of management information in a management area.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6501727 to Mitsuyuki Nozaki, in view of U.S. Patent No. 6263150 to Tomoyuki Okada.

Claim 3 introduces an object information and reproduction control information to the combination of claim 1. Nozaki teaches reproduction control information which comprises unit control information to be recorded for every unit information. Fig. 3A, Col. 6 line 57-65 shows a unit information of reproduction control information. Nozaki fails to teach object information which comprises a polarity of unit information. Okada teaches object information comprises a polarity of unit information in Fig. 6A, Col. 17 line 28-32. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have polarity of unit information to make a object information.

In claim 4, applicant introduces a second securing device and a third recording device to the combination of claim 3.

- A second securing device is disclosed in Mitsuyuki Nozaki (see Fig. 1 (102, 103, 104), Col. 4 line 53-63) for securing the reservation of an entire control information area as an area on recordable recording medium responding to a defined area so as to record entire control information for controlling a reproduction mode of the entirety of the information recorded in cording medium for reproduction only in recording format on the

recordable encoding medium before recording information in recordable recording medium (Col. 5 line 35-40)

- A third recording device also disclosed in Mitsuyuki Nozaki (See Fig. 1 (102), Col. 4 line 7-14) for recording entire control information in entire control information area after all information and all unit control information are completely recorded in recordable recording medium (Col.5 line 35-40, Col. 5 line 56-60)

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6501727 to Mitsuyuki Nozaki, in view of U.S. Patent No. 6553180 to Shinichi Kikuchi.

Nozaki teaches recording format based on a DVD video standard (Col. 1 line 32), recordable recording medium is a DVD-R (Col. 6 line3). Nozaki fails to teach VTSl and VMGI. Kikuchi teaches VTSl (video title set information) in Fig. 4Col. 11 line 17-19. Kikuchi also teaches VMGI in Fig 5, Col. 12 line35-38, Col. 49 line 66, 67, Col. 50 line 1, 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have VTSl and VMGI in a recording format to record control information.

Claim 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6501727 to Mitsuyuki Nozaki, in view of U.S. Patent No. 6263150 to Tomoyuki Okada.

Claim 9 introduces an information and reproduction control information to the combination of claim 7. Nozaki teaches reproduction control information which comprises unit control information to be recorded for every unit information. Fig. 3A, Col. 6 line 57-65 shows a unit information of reproduction control information. Nozaki fails to teach information which comprises a polarity of unit information. Okada teaches information comprises a polarity of unit information in Fig. 6A, Col. 17 line 28-32. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have polarity of unit information to make information.

In claim 10, applicant introduces a second securing process and a third recording process to the combination of claim 9.

- A second securing process is disclosed in Mitsuyuki Nozaki (see Fig. 1 (102, 103, 104), Col. 4 line 53-63) for securing the reservation of an entire control information area as an area on recordable recording medium responding to a defined area so as to record entire control information for controlling a reproduction mode of the entirety of the information recorded in cording medium for reproduction only in recording format on the recordable encoding medium before recording information in recordable recording medium (Col. 5 line 35-40)
- A third recording process is also disclosed in Mitsuyuki Nozaki (See Fig. 1 (102), Col. 4 line 7-14) for recording entire control information in entire control information area after all information and all unit control information

are completely recorded in recordable recording medium (Col.5 line 35-40,
Col. 5 line 56-60)

Claim 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over
U.S. Patent No. 6501727 to Mitsuyuki Nozaki, in view of U.S. Patent No. 6263150 to
Tomoyuki Okada.

Claim 14 introduces an object information and reproduction control information to
the combination of claim 12. Nozaki teaches reproduction control information which
comprises unit control information to be recorded for every unit information. Fig. 3A,
Col. 6 line 57-65 shows a unit information of reproduction control information. Nozaki
fails to teach object information which comprises a polarity of unit information. Okada
teaches object information comprises a polarity of unit information in Fig. 6A, Col. 17
line 28-32. Therefore, it would have been obvious to one having ordinary skill in the art
at the time the invention was made to have polarity of unit information to make a object
information.

In claim 15, applicant introduces a second securing device and a third recording
device to the combination of claim 14.

- A second securing device is disclosed in Mitsuyuki Nozaki (see Fig. 1
(102, 103, 104), Col. 4 line 53-63) for securing the reservation of an entire
control information area as an area on recordable recording medium
responding to a defined area so as to record entire control information for

controlling a reproduction mode of the entirety of the information recorded in coding medium for reproduction only in recording format on the recordable encoding medium before recording information in recordable recording medium (Col. 5 line 35-40)

- A third recording device is also disclosed in Mitsuyuki Nozaki (See Fig. 1 (102), Col. 4 line 7-14) for recording entire control information in entire control information area after all information and all unit control information are completely recorded in recordable recording medium (Col.5 line 35-40, Col. 5 line 56-60)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

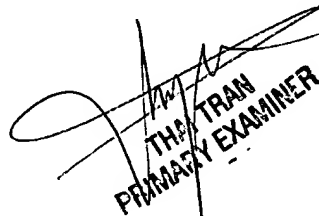
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NIC

12/21/05


THUY TRAN
PRIMARY EXAMINER